

DAC
#10

Law Offices of
SCHNECK & SCHNECK

Thomas Schneck
David M. Schneck
Gina McCarthy
Nissa M. Strottman

P.O. BOX 2-E
SAN JOSE, CALIFORNIA 95109-0005
80 S. Market Street
Third Floor
San Jose, California 95113-2303

Telephone: (408) 297-9733
Facsimile: (408) 297-9748

Email: mail@patentvalley.com

Patents and Trademarks

March 17, 2003

CONFIRMING OUR FAX
VIA FACSIMILE
703/308-6916



Paul Shanoski, Petitions Attorney
U.S. Patent and Trademark Office
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
BOX DAC
Washington, DC 20231

RECEIVED

MAR 25 2003

OFFICE OF PETITIONS

Re: Petitions Filed for Application
Serial No.: 10/056,178
Our ref: CALY-012

Dear Mr. Shanoski:

I spoke with you Wednesday, March 12, about petitions to file on behalf of a non-signing inventor (37 C.F.R. § 1.47(a)) and to revive an unavoidably abandoned application (37 C.F.R. § 1.137(a)) we had filed on March 6, 2003. At that time, I told you that a few days after we had filed these petitions, we received a signed declaration for the application in question from the non-signing inventor (we had requested that he send us this material by February 15, 2003 and he sent it to us on March 6, 2003). You told me to fax you the signed declaration and that you would render the petition under 37 C.F.R. § 1.47(a) moot. Attached to this fax is the signed declaration. Please render the petition under 37 C.F.R. § 1.47(a) moot. However, we wish the petition under 37 C.F.R. § 1.137(a) to still be considered.

Many of our arguments regarding why this application was unavoidably abandoned are contained in the petition under 37 C.F.R. § 1.47(a). Please refer to this petition's statement of

facts when considering our petition to revive. Also, when considering the petition to revive, please substitute the signed declaration for the petition under 37 C.F.R. § 1.47(a) as the required reply to the Notice to File Missing Parts.

If you have any questions or comments, please feel free to contact me at (408) 297-9733. Thank you for your assistance.

Sincerely,



Nissa M. Strottman

NS:sa

Encl: Declaration

RECEIVED

MAR 25 2003

OFFICE OF PETITIONS